CWP No. 1284 of 2006.

19-12-2006: Present: Mr. Neel Kamal, Advocate, for the Petitioner.

Mr. M. S. Chandel, learned Advocate General, on instructions received from Mr. R.M. Bisht, learned Deputy Advocate General, appears and waives service of notice on behalf of respondents No.1 to 3.

Heard. This writ petition is directed against the order of Collector, Sub Division, Shimla (Urban) in Case No. 22/2006.6/2006 decided on September 30, 2006. The Petitioner Society claims to be the owner in possession of property in Khasra Number 55, khata-khatauni No. 28/35 measuring 6609.77 sq.mtrs. situate in Up Muhal Navbhar, Tehsil and District Shimla. The respondent No.4 also claims the said property on the basis of some alleged will set up by her.

It appears that in some proceedings, the name of respondent No.4 was ordered to be entered as owner in the revenue record. Thereafter, the present petitioner moved an application for correction of the revenue record and the Assistant Collector Ist Grade by his order dated June 18, 2003 cancelled the earlier mutation in favour of respondent No.4. Thereafter, the respondent No.4 filed an appeal before the Collector, Sub Division Shimla (Urban) who vide the impugned order has held that since the order dated June 18, 2003 has been passed without hearing the respondent No.4, the

same being violative of the principles of natural justice, has been set aside and the matter has been remanded back to the Assistant Collector 2nd Grade to decide the mutation afresh after giving due opportunity to all the interested parties.

We find no error in the order of the Collector Sub Division, Shimla (Urban). We find no merit in the writ petition. However, while disposing of the writ petition, we do direct that in case the petitioner approaches the Assistant Collector 2nd Grade, he shall be impleaded as a party in the proceedings for correction of the revenue record and the matter regarding mutation of the land in question shall be decided after giving adequate opportunity to the petitioner as well as respondent No.4 to present their respective cases.

The writ petition is disposed of in the aforesaid terms.

CMP No. 2011 of 2006.

No order in view of the disposal of the writ petition.

CMP No. 2012 of 2006.

Allowed.

CMP No. 2013 of 2006.

Infructuous.

(Deepak Gupta), J.

(Surinder Singh), J.

December 19, 2006
(BM)